

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A., as Trustee

Plaintiff,

v.

MARGATE FUNDING I, LTD. et al.

Defendants.

Case No. 1:21-cv-04939

Hon. Paul A. Crotty

~~PROPOSED~~ FIRST AMENDED
CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

This First Amended Civil Case Management Plan and Scheduling Order (the “Amended Scheduling Order”) modifies the Civil Case Management Plan and Scheduling Order, entered February 23, 2022 (ECF No. 67) (the “Original Scheduling Order”) in the above-captioned action (the “Action”), as set forth below. Except where amended by this Amended Scheduling Order, the Original Scheduling Order remains in full force and effect.

1. The stay of all discovery in this Action, entered June 7, 2022 (ECF No. 83), is hereby lifted.
2. All fact discovery shall be completed no later than September 30, 2022.
3. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 2 above:
 - a. All responses to pending Interrogatories and Requests to Admit shall be served by August 12, 2022.
 - b. All productions in response to pending Requests for Production shall be served by August 12, 2022.
 - c. Depositions to be completed by September 30, 2022.
4. All expert discovery shall be completed no later than December 5, 2022. The following interim deadlines for expert discovery may be extended by the written consent of the Noteholder parties presenting expert testimony (i.e., Pacific Investment Management Company LLC (“PIMCO”), Angelo Gordon Management, LLC (“Angelo Gordon”), Bracebridge Capital, LLC (“Bracebridge”), Serengeti Asset Management, LP (“Serengeti”), and BofA

Securities, Inc. (“BofA” and, together with Angelo Gordon, Bracebridge, and Serengeti, the “Junior Holders”)) without application to the Court, provided all expert discovery is completed by the date set forth in this paragraph 4:

- a. PIMCO and the Junior Holders to disclose their experts and serve each expert’s opening written expert report pursuant to Rule 26(a)(2) by October 18, 2022.
 - b. PIMCO and the Junior Holders to disclose any rebuttal expert witnesses and serve each rebuttal expert’s written report pursuant to Rule 26(a)(2) by November 17, 2022, provided that the evidence presented by rebuttal expert witnesses is intended solely to contradict or rebut evidence of the same subject matter presented by an opposing party’s opening expert.
 - c. To the extent that an opening expert witness is not required to provide a written report but instead disclose “the subject matter on which the witness is expected to present evidence” and “a summary of the facts and opinions to which the witness is expected to testify” pursuant to Rule 26(a)(2)(C) (collectively, “Non-Report Disclosures”), those Non-Report Disclosures shall be made by October 18, 2022. Likewise, to the extent that a rebuttal expert witness is not required to provide a written report pursuant to Rule 26(a)(2)(C) but Non-Report Disclosures instead, those Non-Report Disclosures shall be made by November 17, 2022.
5. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph 10, sub-paragraph (b), of the Original Scheduling Order, be employed after the close of fact discovery but before the end of expert discovery.
 6. The Final Pretrial Submission Date shall be January 4, 2023.

Civil Case Management Plan Requirement	Dates:
All fact discovery to be completed no later than:	September 30, 2022
Discovery - depositions to be completed no later than:	September 30, 2022
All expert discovery to be completed no later than:	December 5, 2022
Date recommended by counsel for alternate dispute resolution:	After September 30, 2022 but before December 20, 2022
Final Pretrial Submission Date:	January 4, 2023

Status Conference: December 1, 2022 @ 12 noon

SO ORDERED.

7/19/2022

